

Selected Utah and Other State Provisions Related to Unopposed Candidates and Election Procedures

This table lists selected Utah statutes and constitutional provisions that address municipal elections and unopposed candidates, as well as related issues. Relevant statutes from other states are also listed. Provisions specific to municipalities, political subdivisions, or general provisions in a state's election code are noted.

Utah provisions related to municipal elections and unopposed candidates and other related issues	Other states that prohibit listing an unopposed candidate on a general election ballot	Other states that prohibit or allow a modified election if all candidates are unopposed and there are no other ballot issues
<ul style="list-style-type: none"> Utah Constitution Article IV, Section 9, Subsection (4): "The election of officers of each city, town, school district, and other political subdivision of the State shall be held <u>at the time</u> and in the manner provided by statute." A write-in candidate in a town is not required to prequalify for office. § 20A-9-601(2). <p>Without a prequalification deadline for write-in candidates, election officials do not know whether or not a candidate is unopposed until ballots are collected.</p> <ul style="list-style-type: none"> What, if any, impact is there on write-in or independent candidates if a municipality does not hold an election? Note that local districts may appoint an unopposed candidate for the local district board without conducting an election. § 17B-1-306(4)(g). If a candidate is not part of an election, is the candidate an "elected official"? For example, an assault on an "elected official" is a third degree felony if bodily injury occurs. § 76-8-315. "Elected official" is defined in the Criminal Code as "...any elected official of the state, county, or city..." § 76-8-314. Title 20A, Election Code, does not define "elected official." § 20A-1-102 (43) defines "municipal officers" as "those municipal officers that are required by law to be elected." 	<p>AL (§ 11-46-26 and § 17-13-5 municipal and general provisions)</p> <ul style="list-style-type: none"> A (municipal) unopposed candidate is deemed elected. The (municipal) legislative body adopts a resolution naming the unopposed candidate as an elected officer and issues a certificate of election. An unopposed candidate is "declared elected" to office after the filing deadline has passed. <p>AR (§ 7-11-107 general provisions)</p> <ul style="list-style-type: none"> A superintendent certifies that a candidate is unopposed. The statute prohibiting an election applies to general and special elections. <p>GA (§ 21-2-291 general provisions)</p> <ul style="list-style-type: none"> A superintendent certifies that a candidate is unopposed. The statute prohibiting an election applies to general and special elections. <p>TX (§ 2.053 political subdivisions)</p> <ul style="list-style-type: none"> The authority responsible for preparing a ballot certifies that a candidate is unopposed after the filing and write-in deadlines have passed and delivers the certification to the political subdivision's legislative body. The political subdivision's legislative body posts a copy of an order or ordinance declaring an unopposed candidate elected to office at each polling place.*** The statute prohibiting an election applies to a general election. It is unclear whether it applies to a primary election. <p>NV (§ 293C.175 and § 293C.180 municipal)</p> <ul style="list-style-type: none"> A candidate who receives a majority of the votes in a (nonpartisan) primary is declared elected to office and is not placed on the general election ballot.** If a candidate is unopposed after the filing deadline, the candidate is declared elected and no election may be held for the office. (Also applies to primaries.) 	<p>AR (§ 7-11-107 general provisions)</p> <ul style="list-style-type: none"> If there are only unopposed candidates and no other ballot issues in a special election or special primary election, a county board of election commissioners may conduct a special election either by collecting absentee ballots and holding early voting or opening one polling place at the court house. <p>GA (§ 21-2-291 general provisions)</p> <ul style="list-style-type: none"> A superintendent certifies that a candidate is unopposed. The statute prohibiting an election applies to general and special elections. <p>TX (§ 2.053 political subdivisions)</p> <ul style="list-style-type: none"> The authority responsible for preparing a ballot certifies that a candidate is unopposed after the filing and write-in deadlines have passed and delivers the certification to the political subdivision's legislative body. The political subdivision's legislative body posts a copy of an order or ordinance declaring an unopposed candidate elected to office at each polling place.*** The statute prohibiting an election applies to a general election. It is unclear whether it applies to a primary election. <p>NV (§ 293C.175 and § 293C.180 municipal)</p> <ul style="list-style-type: none"> A candidate who receives a majority of the votes in a (nonpartisan) primary is declared elected to office and is not placed on the general election ballot.** If a candidate is unopposed after the filing deadline, the candidate is declared elected and no election may be held for the office. (Also applies to primaries.)

***FL** § 106.011 defines "Unopposed candidate" as "a candidate for nomination or election to an office who, after the last day on which any person, including a write-in candidate, may qualify, is without opposition in the election at which the office is to be filled or who is without such opposition after such date as a result of any primary election or of withdrawal by other candidates seeking the same office. A candidate is not an unopposed candidate if there is a vacancy to be filled ..., if there is a legal proceeding pending regarding the right to a ballot position for the office sought by the candidate, or if the candidate is seeking retention as a justice or judge."

****NV** § 293.195 designates municipal offices as nonpartisan.

*****TX** § 293.195 prohibits an election for an unopposed candidate. However, if other ballot issues are considered at an election held at the same time that the candidate would have been elected if opposed, then the unopposed candidate is listed separately on the ballot under "Unopposed Candidates Declared Elected." Votes are not cast for the unopposed candidates.



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